REMARKS

Claims 17 and 18 having been added and claims 3 and 8-16 having been canceled, the Applicants contend that 8 claims, specifically claims 1, 2, 4-7, 17 and 18, remain pending and properly under consideration in this application. The Applicants request entry and consideration of the amendments to the claims reflected above in light of the discussion provided below.

Restriction Requirement

The Examiner has requested an election under 35 U.S.C. § 121 among various inventions identified in the originally filed claims of the application, the claim groups and inventions being identified as:

Group I	Claim 1, drawn to the specific technical feature of a drug that comprises hollow nanoparticles of a particle-forming protein;
Group II	Claims 1 and 2, drawn to the specific technical feature of a drug comprising an HBsAg;
Group III	Claims 1 and 3, drawn to the specific technical feature of a drug of claim 3;
Group IV	Claims 1, 3 and 4, drawn to the specific technical feature of a drug of claim 4;
Group V	Claims 1 and 5, drawn to the specific technical feature of a drug of claim 5;

Group VI Claims 1 and 6, drawn to the specific technical feature of a drug comprising HBsAg and an interferon;

Group VII Claims 1 and 6, drawn to the specific technical feature of a drug comprising a hepatocyte growth factor;

Group VIII Claims 1 and 7, drawn to the specific technical feature of a drug of claim 7;

Group IX Claims 1, 2 and 9, drawn to the specific technical feature of a drug comprising an HBsAg and a second gene;

Group X Claim 8, drawn to the specific technical feature of a disease treating method comprising administering the drug of claim 1;

Group XI Claim 10, drawn to the specific technical feature of a disease treating method comprising administering the drug of claim 2;

Group XII Claim 11, drawn to the specific technical feature of a disease treating method comprising administering the drug of claim 3;

Group XIII Claim 12, drawn to the specific technical feature of a disease treating method comprising administering the drug of claim 4;

Group XIV Claim 13, drawn to the specific technical feature of a disease treating method comprising administering the drug of claim 5;

Group XV Claim 14, drawn to the specific technical feature of a disease treating method comprising administering the drug comprising HBsAg and an interferon;

Group XVI Claim 14, drawn to the specific technical feature of a disease treating method comprising administering the drug comprising HBsAg and a hepatocyte growth factor;

Group XVII Claim 15, drawn to the specific technical feature of a disease treating method comprising administering the drug of claim 7; and

Group XVIII Claim 16, drawn to the specific technical feature of a disease treating method comprising administering the drug of claim 9.

Applicants' Election

In response to this restriction requirement, the Applicants elect, with traverse, the invention of **Group I**, drawn to "a drug that comprises hollow nanoparticles of a particle-forming protein" that, as recited in claim 1, is capable of recognizing a specific cell or tissue and in which the particle-forming protein is "fused with a disease-treating target-cell-substance."

The Applicants further contend, therefore, that claim 1 is generic with respect to the composition and structure of the drug as further limited in dependent claims 2 and 6, claim 17 is generic with respect to a method of manufacturing the drug as further limited in dependent claim 4, and claim 18 is generic with respect to a method of administering the drug to treat a disease or condition as further limited in dependent claims 5 and 7. The Applicants further contend that claims 17 and 18 incorporate the specific structure recited in claim 1 and are, therefore, suitable for rejoinder in the event the product claims are determined to be allowable.

Argument in Support of Traversal

The Applicants contend that a single "specific technical feature," *i.e.*, a particle-forming protein fused with a target-cell peptide or target-cell protein (collectively referred to hereinafter as a "target-cell peptide"), is incorporated in the claims directed to the drug, the use of the drug in the preparation of pharmaceutical compositions and the use of the drug in the treatment of diseases and conditions. The combination of proteins and/or peptides incorporated in the drug provides the desired physiological effect associated with the target-cell peptide at or near the cell, tissue or receptor that the particle-forming protein is configured to recognize, thereby avoiding the need for a separate encapsulation process for the target-cell peptide and/or potentially allowing lower effective dosages and/or reduced side effects associated with treatments using the drug.

Although the Applicants agree that, as described in the specification, various combinations of the particle-forming proteins and target-cell peptides may be made and that each of the various combinations will tend to have certain unique amino acid sequences, the Applicants submit is inappropriate to require restriction among these variants. As made clear in the Specification at, for example, pages 8-11, the basic structure of the compound may be customized by those skilled in the art to target specific metabolic pathways, functions, or structures on the targeted cells or tissues. The Applicants contend, therefore, that the Restriction Requirement imposed in the present Action should be reconsidered and withdrawn accordingly.

CONCLUSION

In view of the above elections, the Applicants submit that the present application in condition for allowance. A Notice to that effect is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By: _____ (41,646) for
Donald J. Daley
Reg. No. 34,313

P.O. Box 8910
Reston, VA 20195
(703) 668-8000

DJD/GPB